

TWENTY-FOURTH DAY
(Tuesday, February 21, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.

Senate Chaplain, the Reverend John R. Pitts, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Heavenly Father, we come to You this morning as we begin another day of deliberation as to what is best for the State of Texas. Be our guide this day and open our ears to Your leading. Lord, among us today there are people who are hurting, we ask that You give them Your comfort. Lord, among us today there are people who are distracted because of all of the pulls on their lives, we ask that You give them Your peace. Order our lives, Lord. May all that we do this day be done according to Your purpose. Hear us, Lord. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.

CO-AUTHOR OF SENATE BILL 10

On motion of Senator Zaffirini and by unanimous consent, Senator Gallegos will be shown as Co-author of **S.B. 10**.

CO-AUTHOR OF SENATE BILL 142

On motion of Senator Ellis and by unanimous consent, Senator Rosson will be shown as Co-author of **S.B. 142**.

CO-AUTHOR OF SENATE BILL 198

On motion of Senator Sims and by unanimous consent, Senator Brown will be shown as Co-author of **S.B. 198**.

CO-AUTHOR OF SENATE BILL 210

On motion of Senator Sims and by unanimous consent, Senator Brown will be shown as Co-author of **S.B. 210**.

CO-AUTHOR OF SENATE BILL 214

On motion of Senator Sims and by unanimous consent, Senator Brown will be shown as Co-author of **S.B. 214**.

CO-AUTHOR OF SENATE BILL 399

On motion of Senator Ellis and by unanimous consent, Senator Ratliff will be shown as Co-author of **S.B. 399**.

CO-AUTHOR OF SENATE BILL 522

On motion of Senator Sims and by unanimous consent, Senator Brown will be shown as Co-author of **S.B. 522**.

CO-AUTHOR OF SENATE BILL 539

On motion of Senator Montford and by unanimous consent, Senator Cain will be shown as Co-author of **S.B. 539**.

LETTERS OF AUTHORIZATION**THE SENATE OF THE STATE OF TEXAS**

February 17, 1995

The Honorable Bob Bullock
Lieutenant Governor of Texas
State Capitol Building
P.O. Box 12068
Austin, Texas 78711

RE: **S.B. 199**

Dear Governor Bullock:

The above referenced Senate Bill is a bill that I have filed and that is being co-authored by Senator Jeff Wentworth.

I am designating Senator Wentworth to act in my behalf in regard to the above numbered bill and, during my absence, authorize management, control, and the procession of the said bill at Senator Wentworth's discretion; please allow this letter to be indicative of this intention.

Sincerely,

/s/Bill Sims
State Senator

THE SENATE OF THE STATE OF TEXAS

February 17, 1995

The Honorable Bob Bullock
Lieutenant Governor of Texas
State Capitol Building
P.O. Box 12068
Austin, Texas 78711

RE: **S.B. 329, S.B. 441, S.B. 442, S.B. 443, and S.B. 444**

Dear Governor Bullock:

The above referenced Senate Bills are bills that I have filed and that are being co-authored by Senator Ken Armbrister.

I am designating Senator Armbrister to act in my behalf in regard to the above numbered bills and, during my absence, authorize management, control, and the procession of said bills at Senator Armbrister's discretion; please allow this letter to be indicative of this intention.

Sincerely,

/s/Bill Sims
State Senator

THE SENATE OF THE STATE OF TEXAS

February 17, 1995

The Honorable Bob Bullock
Lieutenant Governor of Texas
State Capitol Building
P.O. Box 12068
Austin, Texas 78711

RE: **S.B. 213**

Dear Governor Bullock:

The above referenced Senate Bill is a bill that I have filed and that is being co-authored by Senator Jerry Patterson.

I am designating Senator Patterson to act in my behalf in regard to the above numbered bill and, during my absence, authorize management, control, and the procession of the said bill at Senator Patterson's discretion; please allow this letter to be indicative of this intention.

Sincerely,

/s/Bill Sims
State Senator

THE SENATE OF THE STATE OF TEXAS

February 17, 1995

The Honorable Bob Bullock
Lieutenant Governor of Texas
State Capitol Building
P.O. Box 12068
Austin, Texas 78711

RE: **S.B. 198, S.B. 210, S.B. 214, and S.B. 522**

Dear Governor Bullock:

The above referenced Senate Bills are bills that I have filed and that are being co-authored by Senator J. E. "Buster" Brown.

I am designating Senator Brown to act in my behalf in regard to the above numbered bills and, during my absence, authorize management,

control, and the procession of said bills at Senator Brown's discretion; please allow this letter to be indicative of this intention.

Sincerely,
/s/Bill Sims
State Senator

CAPITOL PHYSICIAN

The President recognized Senator Sibley, who presented Dr. Jimmy Randles of Waco as the "Doctor for the Day."

Dr. Randles, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

MESSAGE FROM THE HOUSE

House Chamber
February 21, 1995

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 98, Designating February 21, 1995, as Midland/Odessa Day.

Respectfully,
Cynthia Gerhardt, Chief Clerk
House of Representatives

GUESTS PRESENTED

Senator Montford, joined by Senator Bivins, was recognized and introduced to the Senate delegations from the Midland and Odessa chambers of commerce.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Montford was again recognized and introduced to the Senate members of the Texas Game Wardens Association.

The Senate welcomed its guests.

SENATE RESOLUTION 283

Senator Gallegos offered the following resolution:

S.R. 283, Commending the members of Houstonians for Public Education for their contributions to the lives of countless young Texans and to our state.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate a delegation of Houstonians for Public Education, including his mother,

Mrs. Olga Gallegos, who also is a member of the Houston Independent School District Board of Trustees.

The Senate welcomed its guests.

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.J.R. 37 by Sibley State Affairs
Proposing a constitutional amendment to limit the time that a person may serve in legislative office or in a statewide elective executive office.

S.B. 653 by Galloway State Affairs
Relating to fees paid by certain registered professional engineers.

S.B. 654 by Moncrief State Affairs
Relating to early voting by mail for persons over 65 years of age or with a physical disability.

S.B. 655 by Madla Health and Human Services
Relating to the authority of the Texas State Board of Pharmacy to inspect certain facilities and to file a complaint resulting from the inspection.

S.B. 656 by Madla Health and Human Services
Relating to the authority of the Texas State Board of Pharmacy to impose administrative penalties.

S.B. 657 by Madla Health and Human Services
Relating to the authority of the Texas State Board of Pharmacy to authorize certain pilot or demonstration projects.

S.B. 658 by Madla Health and Human Services
Relating to the funding and operation of the program to aid certain impaired pharmacists and pharmacy students.

S.B. 659 by Madla Health and Human Services
Relating to the ability of a pharmacist to perform a specific act delegated to the pharmacist by a written protocol.

S.B. 660 by Luna, Moncrief Health and Human Services
Relating to the definition of drug paraphernalia.

S.B. 661 by Cain Economic Development
Relating to transaction fees for the use of an electronic terminal connected to a shared electronic network.

S.B. 662 by Harris Jurisprudence
Relating to certain agreements for the payment of subcontractors.

S.B. 663 by Lucio Criminal Justice
Relating to the establishment of boot camp programs by the Texas Youth Commission and participation in boot camp programs by certain juvenile offenders.

S.B. 664 by Lucio Intergovernmental Relations
Relating to removal of county officers from office.

S.B. 665 by Lucio State Affairs
Relating to entities to which an electric cooperative corporation may provide electric energy.

S.B. 666 by Lucio State Affairs
Relating to authority of an electric cooperative corporation to form and participate in a joint powers agency with a public entity.

S.B. 667 by Madla Health and Human Services
Relating to the disclosure of health and mental health care information by a provider.

S.B. 668 by Armbrister Education
Relating to enrollment in courses and programs at University of Houston-Clear Lake and University of Houston-Victoria.

S.B. 669 by Armbrister Jurisprudence
Relating to the organization of the district courts in Colorado, Gonzales, Guadalupe, and Lavaca counties and the office of district attorney for the 25th Judicial District.

S.B. 670 by Armbrister Finance
Relating to expenses of state agencies and the compensation, expenses, and conditions of employment of state officers and employees.

S.B. 671 by Armbrister Finance
Relating to the travel expenses incurred by state officers and employees.

S.B. 672 by Madla Natural Resources
Relating to the recordation in county deed records of certain solid waste activities; imposing a civil penalty.

S.B. 673 by Madla, Cain, Health and Human Services
Turner, West
Relating to health care, including powers and duties of the center for rural health initiatives, continuing medical education, the delegation of prescription drug orders, services and patient protection in the Medicaid program, standards for utilization review, medically underserved areas, health facilities and services for the elderly and disabled.

S.B. 674 by Rosson Education
Relating to the limitation of school district ad valorem tax increases on the residence homestead of certain disabled persons.

S.B. 675 by Barrientos Natural Resources
Relating to the involvement of the Texas Department of Licensing and Regulation in the regulation of water well drillers.

GUESTS PRESENTED

Senator Gallegos was recognized and introduced to the Senate a group of students and teachers from Houston's Austin High School and a group of students and instructors from the University of Houston.

The Senate welcomed its guests.

APPOINTMENT OF TEMPORARY COMMITTEE MEMBERS

Senator Whitmire moved to suspend the necessary rules to permit the President to make temporary appointments of Members to serve on the Committee on Criminal Justice, the Committee on Finance, and the Committee on Natural Resources during Senator Sims' absence.

The motion prevailed by a viva voce vote.

The President then made the following appointments: Senator Rosson to the Committee on Finance, Senator Harris to the Committee on Criminal Justice, and Senator Turner to the Committee on Natural Resources.

CONCLUSION OF MORNING CALL

The President at 11:21 a.m. announced the conclusion of morning call.

SENATE BILL 46 ON SECOND READING

Senator Shapiro moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 46** be taken up for consideration at this time:

S.B. 46, Relating to requiring victim notification when an inmate escapes from a facility operated by the institutional division of the Texas Department of Criminal Justice.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 46** as follows:

Amend SECTION 1, proposed Section 56, Code of Criminal Procedure, as follows:

Amend Subsection (a) by deleting "institutional division of the", introduced version, page 1, lines 8 and 9.

Amend Subsection (b) by deleting "institutional division of the", introduced version, page 1, line 18.

The committee amendment was read and was adopted by a viva voce vote.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **S.B. 46** as follows:

Amend SECTION 1, proposed Chapter 56.12(a), Code of Criminal Procedure, as follows:

Between "immediately" and "notify", insert "make a reasonable attempt to", introduced version, page 1, line 10.

After ":", insert "An attempt by the department to give notice to the victim, the guardian of the victim, or a close relative of a deceased victim at the victim's, the guardian of the victim's, or a close relative of a deceased victim's last known telephone number or address, as shown on the records of the department, constitutes a reasonable attempt to give notice under this subsection.", introduced version, page 1, line 15.

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 46 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 46** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0. (Same as previous roll call)

SENATE BILL 47 ON SECOND READING

Senator Shapiro moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 47** be taken up for consideration at this time:

S.B. 47, Relating to notification of certain persons about procedures in the community supervision process that apply to defendants who victimized those persons.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time.

Senator Shapiro offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 47** as follows:

In SECTION 1, proposed Article 42.131, Code of Criminal Procedure, insert a new subsection (b) to read as follows: "An attempt by the department to give notice to the victim, the guardian of the victim, or a close relative of a deceased victim at the victim's, the guardian of the victim's, or a close relative of a deceased victim's last known telephone number or address, as shown on the records of the department, constitutes

a reasonable attempt to give notice under this subsection.", introduced version, page 1, line 22.

Renumber subsequent subsections appropriately.

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 47 ON THIRD READING

Senator Shapiro moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 47** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 71 ON SECOND READING

Senator Barrientos moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 71** be taken up for consideration at this time:

S.B. 71, Relating to the requirements for licensing as a professional counselor.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time.

Senator Barrientos offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **S.B. 71** as follows:

(1) Add a new SECTION 3 to read as follows:

SECTION 3. Subsection (a), Section 16, Licensed Professional Counselor Act (Article 4512g, Vernon's Texas Civil Statutes), as amended by Section 2.06, Chapter 573, and Section 14, Chapter 581, Acts of the 73rd Legislature, 1993, is amended to read as follows:

(a) The board shall revoke, suspend, suspend on an emergency basis, or refuse to renew the license of a counselor, place on probation a counselor whose license has been suspended, or reprimand a counselor if the counselor:

(1) has committed an act in violation of Section 21.14, Penal Code, or for which liability exists under Chapter 81, Civil Practice and Remedies Code;

(2) has violated this Act or a rule or code of ethics adopted by the board;

(3) is legally committed to an institution because of mental incompetence from any cause; or

(4) ~~(3)~~ offers to pay or agrees to accept any remuneration, directly or indirectly, to or from any person or entity for securing or soliciting a patient or patronage.

(2) Renumber remaining SECTIONS appropriately.

The committee amendment was read and was adopted by a viva voce vote.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 71 ON THIRD READING

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 71** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

GUESTS PRESENTED

Senator Turner was recognized and introduced to the Senate a delegation of citizens from Taylor, including Mrs. Leslie Mae Washington Hill, recently elected Woman of the Year by the Taylor Chamber of Commerce.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Rosson was recognized and introduced to the Senate a group of fifth-grade students and their teachers from Collins Elementary School, Jim Nardone, and Superintendent Stan Paz of the El Paso Independent School District.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Turner was recognized and introduced to the Senate a delegation from the City of Corsicana here today in honor of Corsicana Day.

The Senate welcomed its guests.

SENATE BILL 360 ON SECOND READING

Senator Montford moved that the regular order of business, Senate Rule 7.13, and Section 5 of Article III of the State Constitution be suspended and that **S.B. 360** be taken up for consideration at this time:

S.B. 360, Relating to the continuation and functions of the Texas Commission on the Arts.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 360 ON THIRD READING

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 360** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Sims.

The bill was read third time and was passed by a viva voce vote.

REPORT OF COMMITTEE ON NOMINATIONS

Senator Bivins submitted the following report from the Committee on Nominations:

We, your Committee on Nominations, to which were referred the following appointments, have had same under consideration and report them back to the Senate with a recommendation that they be confirmed.

To be EXECUTIVE DIRECTOR OF THE TEXAS DEPARTMENT OF COMMERCE: Brenda F. Arnett, Harris County.

To be a Member of the PUBLIC UTILITY COMMISSION OF TEXAS: Patrick Henry Wood III, Travis County.

To be Members of THE UNIVERSITY OF TEXAS SYSTEM BOARD OF REGENTS: Linnet F. Deily, Harris County; Donald L. Evans, Midland County; Thomas O. Hicks, Dallas County; Thomas G. Loeffler, Bexar County.

To be Members of the INTERNATIONAL TRADE COMMISSION GOVERNING BOARD: J. David Bamberger, Blanco County; Patricia J. Smothers, Bexar County.

To be Members of the TEXAS-MEXICO AUTHORITY ADVISORY BOARD: Carl James Kruse, Cameron County; Lillian A. Lamon, Cameron County.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Bivins gave notice that he would tomorrow at the conclusion of morning call submit to the Senate for consideration nominations to agencies, boards, and commissions of the state.

MEMORIAL RESOLUTION

S.R. 273 - By Montford: In memory of Jacob "Jake" Albert Wade Lippard of Lamesa and Levelland.

CONGRATULATORY RESOLUTIONS

S.R. 274 - By Wentworth: Congratulating Mr. and Mrs. Jeffery Scott Webster on the occasion of their marriage.

S.R. 275 - By Truan: Recognizing February 22, 1995, as Corpus Christi Day.

S.R. 276 - By Truan: Recognizing Buddy R. Venters, who is retiring after 38 years of service with Del Mar College in Corpus Christi.

S.R. 279 - By Barrientos: Congratulating Ethel L. Amey of Austin on the occasion of her 100th birthday.

S.R. 280 - By Barrientos: Congratulating Mr. and Mrs. Michael Ewing of Austin on the birth of their daughter, Mikal Whitney.

S.R. 281 - By Gallegos: Recognizing Go Tejano Day of the Houston Livestock Show and Rodeo.

S.R. 282 - By Gallegos: Congratulating METRO Police Officer Roger Salazar on being named Officer of the Year by the 100 Club of Houston, Incorporated.

S.R. 284 - By Henderson: Congratulating Nathan J. Hay on achieving the rank of Eagle Scout.

S.R. 285 - By Turner: Commending Charley Shandera for his dedication to the criminal justice system.

S.R. 286 - By Cain: Honoring Dr. Willie Lee Glass for her contributions in education to African-Americans and her selection as a Living Legend in Education.

S.R. 287 - By Cain: Honoring John P. Jones for his life of service and selection as a Living Legend in Education.

S.R. 288 - By Cain: Congratulating Mr. and Mrs. Leon Reeves of Odessa on the occasion of their 50th wedding anniversary.

H.C.R. 98 - (Montford): Designating February 21, 1995, as Midland/Odessa Day.

ADJOURNMENT

On motion of Senator Truan, the Senate at 11:37 a.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

February 21, 1995

STATE AFFAIRS — S.B. 452, C.S.S.B. 437

JURISPRUDENCE — S.B. 400 (Amended), S.B. 488 (Amended)

ECONOMIC DEVELOPMENT — S.B. 451, S.B. 533, C.S.S.B. 490

SENT TO GOVERNOR

(February 6, 1995)

S.C.R. 37

TWENTY-FIFTH DAY

(Wednesday, February 22, 1995)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Ellis, Gallegos, Galloway, Harris, Haywood, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Nixon, Patterson, Ratliff, Rosson, Shapiro, Sibley, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

Absent-excused: Sims.

A quorum was announced present.

The Reverend Barbara Holloway, Chaplain, Seton Medical Center, Austin, offered the invocation as follows:

Lord, You have examined me and You know me. You know everything I do; from far away You understand all of my thoughts. You see me, whether I am working or resting; You know all my actions. Even before I speak; You already know what I will say. You are around me on every side. You protect me with Your power. Wherever I am, You are there to lead me, to guide me, and to turn my darkness into light.

Lord, may these words from Psalms be reassuring to Governor Bullock and each Senate Member this day and empower them spiritually to face their challenges with creativity. Amen.

On motion of Senator Truan and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

On motion of Senator Truan, Senator Sims was granted leave of absence for today on account of illness.